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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,950	07/19/2000	Brian Lo Buc	CISCO-1608	2135
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CISCO - THELEN REID BROWN RAYSMAN & STEINER LLP				
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SAN JOSE, CA 95164-0640				
			EXAMINER	
			STRANGE, AARON N	
ART UNIT		PAPER NUMBER		
2153				
MAIL DATE		DELIVERY MODE		
09/10/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/618,950

Applicant(s)

LO BUE ET AL.

Examiner

Aaron Strange

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-10, 12-33, 36-40, 42, 43, 45, 46 and 48-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10, 12-33, 36-40, 42, 43, 45, 46 and 48-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In the interest of expedited prosecution, the Examiner would like to express willingness to conduct an interview to discuss the present application. The Examiner feels that an interview could clear up any misunderstandings regarding the respective positions of the Examiner and Applicant, and possibly help identify allowable subject matter. If Applicant agrees that an interview would be beneficial, he/she is encouraged to contact the Examiner to schedule one.

### ***Response to Arguments***

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. As discussed below, the specification fails to describe a master list that is prohibited from containing identifiers that were not obtained by a polling operation.

3. While a master list which prohibits the inclusion of identifiers that were obtained without polling would overcome the prior art of record, in an effort to expedite prosecution, the grounds of rejection set forth under 35 U.S.C. §§ 102 and 103 is directed toward the language of the specification (pp. 12-13), which describes "adding" identifiers to the master list when they respond to a polling.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-3, 6-10, 12-33, 36-40, 42, 43, 45, 46, and 48-64 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

6. With regard to claim 1, the limitation "create a master list of only the USB device adapters which responded to the polling" is not described in the specification. The specification merely describes "adding" identifiers to a master list if they respond to a polling (Specification, 12). This is different from and fails to provide support for "creating" a list containing only those identifiers. There is simply no language in the specification which actively precludes the master list from containing additional identifiers.

7. Independent claims 31, 43, 45, 46, 55, 58, 61 and 63 contain substantially identical limitations and are rejected under the same rationale.

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8. All claims not individually rejected are rejected by virtue of their dependency from the above claims.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-3,31-33,43,46,51,53 and 55-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Ben-Dor et al. (US 2002/0141418).

11. With regard to claims 1 and 31, Ben-Dor discloses a USB remote host control driver (fig. 1C, 204, and paragraph 46), comprising:

- a port for connecting to a network (201), said remote host control driver configured to communicate with one or more USB device adapters (RPS 205) via said port over the network, each of said one or more USB device adapters (205) having a discrete network address (IP address)(Fig. 1c and ¶¶41-42);
- a network protocol stack, said protocol stack for encapsulating USB packets in network packets and for decapsulating USB packets from network packets (¶¶71);

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- a polling routing configured to poll each of possible USB device adapters connected to the network in accordance with a candidate list, and create a master list of only the USB device adapters which respond to the polling (only responding devices will be added to master list)(at least ¶¶136 and 166-172)
- a memory for storing the master list, the master list containing the discrete network address (IP address) of each of said one or more USB device adapters and an identifier identifier (globally unique IDs) of each USB device connected via the corresponding USB device adapter to the remote host control driver (¶¶63-64, 69 and 156-172).

While Ben-Dor does not explicitly recite a memory storing the master list, it is necessarily present, and therefore disclosed by Ben-Dor (See Office action of 4/14/06, ¶5).

12. With regard to claims 2 and 32, Ben-Dor further discloses that said polling routine is further configured to contact each of said USB device adapters which responded to the polling in accordance with the master list, identify each of said USB devices connected to each USB device adapter, and store the identifications of the USB devices in said memory (each device adapter transmits a topology of its local bus)(at least ¶¶68-69 and 159-172).

13. With regard to claims 3 and 33, Ben-Dor further discloses that the network packets are Ethernet packets (¶¶90-91).

14. Claims 43 and 46 are rejected under the same rationale as claim 1, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

15. Claims 51 and 53 are rejected under the same rationale as claim 2, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

16. With regard to claim 55, Ben-Dor discloses a system comprising:

a universal serial bus (USB) remote control host driver (discussed regarding claim 1); and

at least one universal serial bus (USB) device adapter, said USB remote control host driver being connected to at least one USB device via said at least one USB device adapter over a network (at least ¶41 and Fig 1);

wherein each of said USB device adapters including:

a memory for storing an assigned network address (IP address, ¶42);

a network protocol stack, said protocol stack for encapsulating USB packets in network packets and for decapsulating USB packets from network packets (¶71);

a bridging task (USB tunneling redirector) for receiving USB packets (URBs) from one or more USB devices coupled to the corresponding USB device adapters and for passing USB device addressing information and said USB packets (§69) to said network protocol stack (§73).

17. With regard to claim 56, Ben-Dor further discloses that said polling routine is further configured to contact each of said USB device adapters which responded to the polling in accordance with the master list, identify each of said USB devices connected to each USB device adapter, and store the identifications of the USB devices in said memory (each device adapter transmits a topology of its local bus)(at least §§68-69 and 159-172).

18. With regard to claim 57, Ben-Dor further discloses that the network packets are Ethernet packets (§90-91).

19. Claims 58-64 are rejected under the same rationale as claims 55-57, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.



***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 6-10,12,36-40,42,45,48-50,52 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Dor et al. (US 2002/0141418) in view of Krishnan (US 6,157,950).

22. With regard to claims 6 and 36, while the system disclosed by Ben-Dor shows substantial features of the claimed invention (discussed above regarding claim 1), it fails to specifically disclose an Internet gateway containing the USB remote host control driver.

Krishnan teaches connecting peripheral devices to a local area network and providing an Internet gateway to enable remote access to the peripherals via the Internet (Col 2, Lines 7-46 and Col. 3, Lines 21-28). This would have been an advantageous addition to the system disclosed by Ben-Dor since it would have allowed the USB devices to be accessed by hosts via the Internet, providing access to devices not typically accessible remotely (Col 1, Lines 46-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the USB remote control host driver into an Internet gateway in order to enable access to the USB devices via the Internet.

23. With regard to claims 7 and 37, Ben-Dor further discloses that the local network is an Ethernet (Fig. 1, 202, ¶¶90-91).

24. With regard to claims 8 and 38, Ben-Dor further discloses a processor for receiving unencapsulated USB packets from the protocol stack (¶¶71 lines 14-17).

25. With regard to claims 9 and 39, Ben-Dor further discloses a connection to a local video monitor (Fig. 1c, 204).

26. With regard to claims 10 and 40, Krishnan further discloses a gateway connection to a local telephone (Col. 1, Lines 33-36).

27. With regard to claims 12 and 42, Krishnan further discloses a gateway connection to a public telephone network (Fig. 8, Col. 11, Lines 41-55).

28. With regard to claim 49, Ben-Dor further discloses that said polling routine is further configured to contact each of said USB device adapters which responded to the polling in accordance with the master list, identify each of said USB devices connected

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to each USB device adapter, and store the identifications of the USB devices in said memory (each device adapter transmits a topology of its local bus)(at least ¶¶68-69 and 159-172).

29. Claims 45 and 48 are rejected under the same rationale as claim 6, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

30. Claims 50,52 and 54 are rejected under the same rationale as claim 49, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

31. Claims 11 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Dor et al. (US 2002/0141418) in view of Krishnan (US 6,157,950) in further view of Gottfurcht et al. (US 6,611,881).

32. With regard to claims 11 and 41, while the system disclosed by Ben-Dor in view of Krishnan shows substantial features of the claimed invention (discussed above), it fails to specifically disclose means for connecting to a public television cable.

Gottfurcht teaches connecting to the Internet via a number of means, including a

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television cable (Col 5, Lines 39-43). Such a connection is old and well-known in the art and is known for its large bandwidth at fairly low cost. It would have be apparent to one of ordinary skill in the art that such a connection could be used if so desired by a system designer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect to the network via a public television cable.

33. Claims 64-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Dor et al. (US 2002/0141418) in view of Official Notice.

34. With regard to claims 64 and 65, while the system disclosed by Ben-Dor shows substantial features of the claimed invention (discussed above), it fails to disclose how the candidate list is configured, only noting that it is a list of devices from which a RPS announcement multicast ahs not been received.

The Examiner takes Official Notice that it was notoriously well known in the art at the time the invention was made to automatically configure lists of network devices using "plug-and-play" type routines as well as manually configure the list of devices via user input. One of ordinary skill in the art would have been aware of these alternatives and would have weighed the benefits of automatic configuration such as speed and convenience with the customization that manual configuration allows.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to permit automatic or manual configuration of the candidate list.

35. Claims 66-76 are rejected under the same rationale as claims 64 and 65, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

### ***Conclusion***

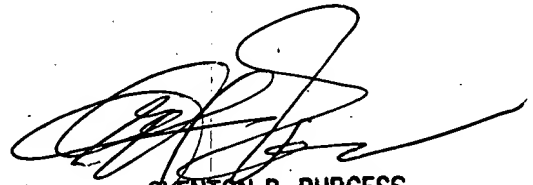
36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS  
8/29/07



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